

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Finance Act is amended by changing
5 Section 5.796 as follows:

6 (30 ILCS 105/5.796)

7 Sec. 5.796. The State Charter School Commission Fund. This
8 Section is repealed on July 31, 2014.

9 (Source: P.A. 97-152, eff. 7-20-11; 97-813, eff. 7-13-12.)

10 Section 10. The School Code is amended by changing Sections
11 27A-3, 27A-5, 27A-7.5, 27A-7.10, 27A-8, 27A-9, and 27A-12 as
12 follows:

13 (105 ILCS 5/27A-3)

14 Sec. 27A-3. Definitions. For purposes of this Article:

15 "At-risk pupil" means a pupil who, because of physical,
16 emotional, socioeconomic, or cultural factors, is less likely
17 to succeed in a conventional educational environment.

18 "Authorizer" means an entity authorized under this Article
19 to review applications, decide whether to approve or reject
20 applications, enter into charter contracts with applicants,
21 oversee charter schools, and decide whether to renew, not

1 renew, or revoke a charter.

2 ~~"Commission" means the State Charter School Commission~~
3 ~~established under Section 27A-7.5 of this Code.~~

4 "Local school board" means the duly elected or appointed
5 school board or board of education of a public school district,
6 including special charter districts and school districts
7 located in cities having a population of more than 500,000,
8 organized under the laws of this State.

9 "State Board" means the State Board of Education.

10 (Source: P.A. 97-152, eff. 7-20-11.)

11 (105 ILCS 5/27A-5)

12 Sec. 27A-5. Charter school; legal entity; requirements.

13 (a) A charter school shall be a public, nonsectarian,
14 nonreligious, non-home based, and non-profit school. A charter
15 school shall be organized and operated as a nonprofit
16 corporation or other discrete, legal, nonprofit entity
17 authorized under the laws of the State of Illinois.

18 (b) A charter school may be established under this Article
19 by creating a new school or by converting an existing public
20 school or attendance center to charter school status. Beginning
21 on the effective date of this amendatory Act of the 93rd
22 General Assembly, in all new applications submitted to the
23 State Board or a local school board to establish a charter
24 school in a city having a population exceeding 500,000,
25 operation of the charter school shall be limited to one campus.

1 The changes made to this Section by this amendatory Act of the
2 93rd General Assembly do not apply to charter schools existing
3 or approved on or before the effective date of this amendatory
4 Act.

5 (b-5) In this subsection (b-5), "virtual-schooling" means
6 the teaching of courses through online methods with online
7 instructors, rather than the instructor and student being at
8 the same physical location. "Virtual-schooling" includes
9 without limitation instruction provided by full-time, online
10 virtual schools.

11 From April 1, 2013 through April 1, 2014, there is a
12 moratorium on the establishment of charter schools with
13 virtual-schooling components in school districts other than a
14 school district organized under Article 34 of this Code. This
15 moratorium does not apply to a charter school with
16 virtual-schooling components existing or approved prior to
17 April 1, 2013 or to the renewal of the charter of a charter
18 school with virtual-schooling components already approved
19 prior to April 1, 2013.

20 On or before March 1, 2014, the State Charter School
21 Commission shall submit to the General Assembly a report on the
22 effect of virtual-schooling, including without limitation the
23 effect on student performance, the costs associated with
24 virtual-schooling, and issues with oversight. The report shall
25 include policy recommendations for virtual-schooling.

26 (c) A charter school shall be administered and governed by

1 its board of directors or other governing body in the manner
2 provided in its charter. The governing body of a charter school
3 shall be subject to the Freedom of Information Act and the Open
4 Meetings Act.

5 (d) A charter school shall comply with all applicable
6 health and safety requirements applicable to public schools
7 under the laws of the State of Illinois.

8 (e) Except as otherwise provided in the School Code, a
9 charter school shall not charge tuition; provided that a
10 charter school may charge reasonable fees for textbooks,
11 instructional materials, and student activities.

12 (f) A charter school shall be responsible for the
13 management and operation of its fiscal affairs including, but
14 not limited to, the preparation of its budget. An audit of each
15 charter school's finances shall be conducted annually by an
16 outside, independent contractor retained by the charter
17 school. Annually, by December 1, every charter school must
18 submit to the State Board a copy of its audit and a copy of the
19 Form 990 the charter school filed that year with the federal
20 Internal Revenue Service.

21 (g) A charter school shall comply with all provisions of
22 this Article, the Illinois Educational Labor Relations Act, and
23 its charter. A charter school is exempt from all other State
24 laws and regulations in the School Code governing public
25 schools and local school board policies, except the following:

26 (1) Sections 10-21.9 and 34-18.5 of the School Code

1 regarding criminal history records checks and checks of the
2 Statewide Sex Offender Database and Statewide Murderer and
3 Violent Offender Against Youth Database of applicants for
4 employment;

5 (2) Sections 24-24 and 34-84A of the School Code
6 regarding discipline of students;

7 (3) The Local Governmental and Governmental Employees
8 Tort Immunity Act;

9 (4) Section 108.75 of the General Not For Profit
10 Corporation Act of 1986 regarding indemnification of
11 officers, directors, employees, and agents;

12 (5) The Abused and Neglected Child Reporting Act;

13 (6) The Illinois School Student Records Act;

14 (7) Section 10-17a of the School Code regarding school
15 report cards; and

16 (8) The P-20 Longitudinal Education Data System Act.

17 The change made by Public Act 96-104 to this subsection (g)
18 is declaratory of existing law.

19 (h) A charter school may negotiate and contract with a
20 school district, the governing body of a State college or
21 university or public community college, or any other public or
22 for-profit or nonprofit private entity for: (i) the use of a
23 school building and grounds or any other real property or
24 facilities that the charter school desires to use or convert
25 for use as a charter school site, (ii) the operation and
26 maintenance thereof, and (iii) the provision of any service,

1 activity, or undertaking that the charter school is required to
2 perform in order to carry out the terms of its charter.
3 However, a charter school that is established on or after the
4 effective date of this amendatory Act of the 93rd General
5 Assembly and that operates in a city having a population
6 exceeding 500,000 may not contract with a for-profit entity to
7 manage or operate the school during the period that commences
8 on the effective date of this amendatory Act of the 93rd
9 General Assembly and concludes at the end of the 2004-2005
10 school year. Except as provided in subsection (i) of this
11 Section, a school district may charge a charter school
12 reasonable rent for the use of the district's buildings,
13 grounds, and facilities. Any services for which a charter
14 school contracts with a school district shall be provided by
15 the district at cost. Any services for which a charter school
16 contracts with a local school board or with the governing body
17 of a State college or university or public community college
18 shall be provided by the public entity at cost.

19 (i) In no event shall a charter school that is established
20 by converting an existing school or attendance center to
21 charter school status be required to pay rent for space that is
22 deemed available, as negotiated and provided in the charter
23 agreement, in school district facilities. However, all other
24 costs for the operation and maintenance of school district
25 facilities that are used by the charter school shall be subject
26 to negotiation between the charter school and the local school

1 board and shall be set forth in the charter.

2 (j) A charter school may limit student enrollment by age or
3 grade level.

4 (k) If the charter school is approved by the State Board
5 ~~Commission~~, then the State Board ~~Commission~~ charter school is
6 its own local education agency.

7 (Source: P.A. 97-152, eff. 7-20-11; 97-154, eff. 1-1-12;
8 97-813, eff. 7-13-12; 98-16, eff. 5-24-13.)

9 (105 ILCS 5/27A-7.5)

10 Sec. 27A-7.5. State Charter School Commission abolished;
11 transfer to State Board; appeals.

12 (a) On the effective date of this amendatory Act of the
13 98th General Assembly, the A State Charter School Commission is
14 abolished and the terms of all members end. On that date, all
15 of the powers, duties, assets, liabilities, contracts,
16 property, records, and pending business of the Commission are
17 transferred to the State Board. For purposes of the Successor
18 Agency Act and Section 9b of the State Finance Act, the State
19 Board is declared to be the successor agency of the Commission.
20 Beginning on the effective date of this amendatory Act of the
21 98th General Assembly, references in statutes, rules, forms,
22 and other documents to the Commission shall, in appropriate
23 contexts, be deemed to refer to the State Board. Standards and
24 procedures of the Commission in effect on the effective date of
25 this amendatory Act of the 98th General Assembly shall be

1 deemed standards and procedures of the State Board and shall
2 remain in effect until amended or repealed by the State Board.
3 ~~established as an independent commission with statewide~~
4 ~~chartering jurisdiction and authority. The Commission shall be~~
5 ~~under the State Board for administrative purposes only.~~

6 ~~(a 5) The State Board shall provide administrative support~~
7 ~~to the Commission as needed.~~

8 ~~(b) The Commission is responsible for authorizing~~
9 ~~high quality charter schools throughout this State,~~
10 ~~particularly schools designed to expand opportunities for~~
11 ~~at-risk students, consistent with the purposes of this Article.~~

12 ~~(c) The Commission shall consist of 9 members, appointed by~~
13 ~~the State Board. The State Board shall make these appointments~~
14 ~~from a slate of candidates proposed by the Governor, within 60~~
15 ~~days after the effective date of this amendatory Act of the~~
16 ~~97th General Assembly with respect to the initial Commission~~
17 ~~members. In making the appointments, the State Board shall~~
18 ~~ensure statewide geographic diversity among Commission~~
19 ~~members. The Governor shall propose a slate of candidates to~~
20 ~~the State Board within 60 days after the effective date of this~~
21 ~~amendatory Act of the 97th General Assembly and 60 days prior~~
22 ~~to the expiration of the term of a member thereafter. If the~~
23 ~~Governor fails to timely propose a slate of candidates~~
24 ~~according to the provisions of this subsection (c), then the~~
25 ~~State Board may appoint the member or members of the~~
26 ~~Commission.~~

1 ~~(d) Members appointed to the Commission shall collectively~~
2 ~~possess strong experience and expertise in public and nonprofit~~
3 ~~governance, management and finance, public school leadership,~~
4 ~~higher education, assessments, curriculum and instruction, and~~
5 ~~public education law. All members of the Commission shall have~~
6 ~~demonstrated understanding of and a commitment to public~~
7 ~~education, including without limitation charter schooling. At~~
8 ~~least 3 members must have past experience with urban charter~~
9 ~~schools.~~

10 ~~(e) To establish staggered terms of office, the initial~~
11 ~~term of office for 3 Commission members shall be 4 years and~~
12 ~~thereafter shall be 4 years; the initial term of office for~~
13 ~~another 3 members shall be 3 years and thereafter shall be 4~~
14 ~~years; and the initial term of office for the remaining 3~~
15 ~~members shall be 2 years and thereafter shall be 4 years. The~~
16 ~~initial appointments must be made no later than October 1,~~
17 ~~2011.~~

18 ~~(f) Whenever a vacancy on the Commission exists, the State~~
19 ~~Board shall appoint a member for the remaining portion of the~~
20 ~~term.~~

21 ~~(g) Subject to the State Officials and Employees Ethics~~
22 ~~Act, the Commission is authorized to receive and expend gifts,~~
23 ~~grants, and donations of any kind from any public or private~~
24 ~~entity to carry out the purposes of this Article, subject to~~
25 ~~the terms and conditions under which they are given, provided~~
26 ~~that all such terms and conditions are permissible under law.~~

1 ~~Funds received under this subsection (g) must be deposited into~~
2 ~~the State Charter School Commission Fund.~~

3 (b) The State Charter School Commission Fund is created as
4 a special fund in the State treasury. All money in the Fund
5 shall be used, subject to appropriation, by the State Board,
6 acting on behalf and with the consent of the Commission, for
7 operational and administrative costs ~~of the Commission.~~ On July
8 1, 2014, the State Comptroller shall order transferred and the
9 State Treasurer shall transfer all money in the State Charter
10 School Commission Fund to the State Board of Education Special
11 Purpose Trust Fund.

12 ~~Subject to appropriation, any funds appropriated for use by~~
13 ~~the State Board, acting on behalf and with the consent of the~~
14 ~~Commission, may be used for the following purposes, without~~
15 ~~limitation: personal services, contractual services, and other~~
16 ~~operational and administrative costs. The State Board is~~
17 ~~further authorized to make expenditures with respect to any~~
18 ~~other amounts deposited in accordance with law into the State~~
19 ~~Charter School Commission Fund.~~

20 ~~(g-5) Funds or spending authority for the operation and~~
21 ~~administrative costs of the Commission shall be appropriated to~~
22 ~~the State Board in a separate line item. The State~~
23 ~~Superintendent of Education may not reduce or modify the budget~~
24 ~~of the Commission or use funds appropriated to the Commission~~
25 ~~without the approval of the Commission.~~

26 ~~(h) The Commission shall operate with dedicated resources~~

1 ~~and staff qualified to execute the day to day responsibilities~~
2 ~~of charter school authorizing in accordance with this Article.~~
3 ~~The Commission may employ and fix the compensation of such~~
4 ~~employees and technical assistants as it deems necessary to~~
5 ~~carry out its powers and duties under this Article, without~~
6 ~~regard to the requirements of any civil service or personnel~~
7 ~~statute; and may establish and administer standards of~~
8 ~~classification of all such persons with respect to their~~
9 ~~compensation, duties, performance, and tenure and enter into~~
10 ~~contracts of employment with such persons for such periods and~~
11 ~~on such terms as the Commission deems desirable.~~

12 ~~(i) Every 2 years, the Commission shall provide to the~~
13 ~~State Board and local school boards a report on best practices~~
14 ~~in charter school authorizing, including without limitation~~
15 ~~evaluating applications, oversight of charters, and renewal of~~
16 ~~charter schools.~~

17 ~~(j) The Commission may charge a charter school that it~~
18 ~~authorizes a fee, not to exceed 3% of the revenue provided to~~
19 ~~the school, to cover the cost of undertaking the ongoing~~
20 ~~administrative responsibilities of the eligible chartering~~
21 ~~authority with respect to the school. This fee must be~~
22 ~~deposited into the State Charter School Commission Fund.~~

23 (c) On the effective date of this amendatory Act of the
24 98th General Assembly, any ~~(k) Any~~ charter school authorized by
25 the Commission ~~State Board~~ prior to this amendatory Act of the
26 98th ~~97th~~ General Assembly shall have its authorization

1 transferred to ~~the Commission upon a vote of~~ the State Board,
2 which shall then become the school's authorizer for all
3 purposes under this Article. ~~However, in no case shall such~~
4 ~~transfer take place later than July 1, 2012.~~ At this time, all
5 of the powers, duties, assets, liabilities, contracts,
6 property, records, and pending business of the Commission ~~State~~
7 ~~Board~~ as the school's authorizer must be transferred to the
8 State Board ~~Commission~~. Any charter school authorized by a
9 local school board or boards may seek transfer of authorization
10 to the State Board ~~Commission~~ during its current term only with
11 the approval of the local school board or boards. At the end of
12 its charter term, a charter school authorized by a local school
13 board or boards must reapply to the board or boards before it
14 may apply for authorization to the State Board ~~Commission~~ under
15 the terms of this Article ~~amendatory Act of the 97th General~~
16 ~~Assembly~~.

17 (d) On the effective date of this amendatory Act of the
18 98th ~~97th~~ General Assembly, all rules of the State Board
19 applicable to matters falling within the responsibility of the
20 Commission shall be applicable to the actions of the State
21 Board ~~Commission~~. ~~The Commission shall thereafter have the~~
22 ~~authority to propose to the State Board modifications to all~~
23 ~~rules applicable to matters falling within the responsibility~~
24 ~~of the Commission. The State Board shall retain rulemaking~~
25 ~~authority for the Commission, but shall work jointly with the~~
26 ~~Commission on any proposed modifications. Upon recommendation~~

1 ~~of proposed rule modifications by the Commission and pursuant~~
2 ~~to the Illinois Administrative Procedure Act, the State Board~~
3 ~~shall consider such changes within the intent of this~~
4 ~~amendatory Act of the 97th General Assembly and grant any and~~
5 ~~all changes consistent with that intent.~~

6 (e) Beginning on the effective date of this amendatory Act
7 of the 98th General Assembly, the State Board ~~(1) The~~
8 ~~Commission~~ shall have the responsibility to consider appeals
9 under this Article ~~immediately upon appointment of the initial~~
10 ~~members of the Commission under subsection (c) of this Section.~~
11 Appeals pending on the effective date of this amendatory Act of
12 the 98th General Assembly at the time of initial appointment
13 shall be determined by the State Board ~~Commission~~; the State
14 Board ~~Commission~~ may extend the time for review as necessary
15 for thorough review, but in no case shall the extension exceed
16 the time that would have been available had the appeal been
17 submitted to the State Board ~~Commission~~ on the effective date
18 of this amendatory Act of the 98th General Assembly ~~appointment~~
19 ~~of its initial members.~~ In any appeal filed with the State
20 Board ~~Commission~~ under this Article, both the applicant and the
21 school district in which the charter school plans to locate
22 shall have the right to request a hearing before the State
23 Board ~~Commission~~. If more than one entity requests a hearing,
24 then the State Board ~~Commission~~ may hold only one hearing,
25 wherein the applicant and the school district shall have an
26 equal opportunity to present their respective positions.

1 (Source: P.A. 97-152, eff. 7-20-11; 97-641, eff. 12-19-11;
2 97-1156, eff. 1-25-13.)

3 (105 ILCS 5/27A-7.10)

4 Sec. 27A-7.10. Authorizer powers and duties; immunity;
5 principles and standards.

6 (a) Authorizers are responsible for executing, in
7 accordance with this Article, all of the following powers and
8 duties:

9 (1) Soliciting and evaluating charter applications.

10 (2) Approving quality charter applications that meet
11 identified educational needs and promote a diversity of
12 educational choices.

13 (3) Declining to approve weak or inadequate charter
14 applications.

15 (4) Negotiating and executing sound charter contracts
16 with each approved charter school.

17 (5) Monitoring, in accordance with charter contract
18 terms, the performance and legal compliance of charter
19 schools.

20 (6) Determining whether each charter contract merits
21 renewal, nonrenewal, or revocation.

22 (b) An authorizing entity may delegate its duties to
23 officers, employees, and contractors.

24 (c) Regulation by authorizers is limited to the powers and
25 duties set forth in subsection (a) of this Section and must be

1 consistent with the spirit and intent of this Article.

2 (d) An authorizing entity, members of the local school
3 board, or the State Board Commission, in their official
4 capacity, and employees of an authorizer are immune from civil
5 and criminal liability with respect to all activities related
6 to a charter school that they authorize, except for willful or
7 wanton misconduct.

8 (e) The State Board Commission and all local school boards
9 that have a charter school operating are required to develop
10 and maintain chartering policies and practices consistent with
11 recognized principles and standards for quality charter
12 authorizing in all major areas of authorizing responsibility,
13 including all of the following:

- 14 (1) Organizational capacity and infrastructure.
- 15 (2) Soliciting and evaluating charter applications.
- 16 (3) Performance contracting.
- 17 (4) Ongoing charter school oversight and evaluation.
- 18 (5) Charter renewal decision-making.

19 Authorizers shall carry out all their duties under this
20 Article in a manner consistent with nationally recognized
21 principles and standards and with the spirit and intent of this
22 Article.

23 (Source: P.A. 97-152, eff. 7-20-11.)

24 (105 ILCS 5/27A-8)

25 Sec. 27A-8. Evaluation of charter proposals.

1 (a) This Section does not apply to a charter school
2 established by referendum under Section 27A-6.5. In evaluating
3 any charter school proposal submitted to it, the local school
4 board or ~~and~~ the State Board ~~Commission~~ shall give preference
5 to proposals that:

6 (1) demonstrate a high level of local pupil, parental,
7 community, business, and school personnel support;

8 (2) set rigorous levels of expected pupil achievement
9 and demonstrate feasible plans for attaining those levels
10 of achievement; and

11 (3) are designed to enroll and serve a substantial
12 proportion of at-risk children; provided that nothing in
13 the Charter Schools Law shall be construed as intended to
14 limit the establishment of charter schools to those that
15 serve a substantial portion of at-risk children or to in
16 any manner restrict, limit, or discourage the
17 establishment of charter schools that enroll and serve
18 other pupil populations under a nonexclusive,
19 nondiscriminatory admissions policy.

20 (b) In the case of a proposal to establish a charter school
21 by converting an existing public school or attendance center to
22 charter school status, evidence that the proposed formation of
23 the charter school has received majority support from certified
24 teachers and from parents and guardians in the school or
25 attendance center affected by the proposed charter, and, if
26 applicable, from a local school council, shall be demonstrated

1 by a petition in support of the charter school signed by
2 certified teachers and a petition in support of the charter
3 school signed by parents and guardians and, if applicable, by a
4 vote of the local school council held at a public meeting. In
5 the case of all other proposals to establish a charter school,
6 evidence of sufficient support to fill the number of pupil
7 seats set forth in the proposal may be demonstrated by a
8 petition in support of the charter school signed by parents and
9 guardians of students eligible to attend the charter school. In
10 all cases, the individuals, organizations, or entities who
11 initiate the proposal to establish a charter school may elect,
12 in lieu of including any petition referred to in this
13 subsection as a part of the proposal submitted to the local
14 school board, to demonstrate that the charter school has
15 received the support referred to in this subsection by other
16 evidence and information presented at the public meeting that
17 the local school board is required to convene under this
18 Section.

19 (c) Within 45 days of receipt of a charter school proposal,
20 the local school board shall convene a public meeting to obtain
21 information to assist the board in its decision to grant or
22 deny the charter school proposal. A local school board may
23 develop its own process for receiving charter school proposals
24 on an annual basis that follows the same timeframes as set
25 forth in this Article. Only after the local school board
26 process is followed may a charter school applicant appeal to

1 the State Board Commission.

2 (d) Notice of the public meeting required by this Section
3 shall be published in a community newspaper published in the
4 school district in which the proposed charter is located and,
5 if there is no such newspaper, then in a newspaper published in
6 the county and having circulation in the school district. The
7 notices shall be published not more than 10 days nor less than
8 5 days before the meeting and shall state that information
9 regarding a charter school proposal will be heard at the
10 meeting. Copies of the notice shall also be posted at
11 appropriate locations in the school or attendance center
12 proposed to be established as a charter school, the public
13 schools in the school district, and the local school board
14 office. If 45 days pass without the local school board holding
15 a public meeting, then the charter applicant may submit the
16 proposal to the State Board Commission, where it must be
17 addressed in accordance with the provisions set forth in
18 subsection (g) of this Section.

19 (e) Within 30 days of the public meeting, the local school
20 board shall vote, in a public meeting, to either grant or deny
21 the charter school proposal. If the local school board has not
22 voted in a public meeting within 30 days after the public
23 meeting, then the charter applicant may submit the proposal to
24 the State Board Commission, where it must be addressed in
25 accordance with the provisions set forth in subsection (g) of
26 this Section.

1 (f) Within 7 days of the public meeting required under
2 subsection (e) of this Section, the local school board shall
3 file a report with the State Board granting or denying the
4 proposal. If the local school board has approved the proposal,
5 within 30 days of receipt of the local school board's report,
6 the State Board shall determine whether the approved charter
7 proposal is consistent with the provisions of this Article and,
8 if the approved proposal complies, certify the proposal
9 pursuant to Section 27A-6.

10 (g) If the local school board votes to deny the proposal,
11 then the charter school applicant has 30 days from the date of
12 that vote to submit an appeal to the State Board ~~Commission~~. In
13 such instances or in those instances referenced in subsections
14 (d) and (e) of this Section, the State Board ~~Commission~~ shall
15 follow the same process and be subject to the same timelines
16 for review as the local school board.

17 (h) The State Board ~~Commission~~ may reverse a local school
18 board's decision to deny a charter school proposal if the State
19 Board ~~Commission~~ finds that the proposal (i) is in compliance
20 with this Article and (ii) is in the best interests of the
21 students the charter school is designed to serve. Final
22 decisions of the State Board ~~Commission~~ are subject to judicial
23 review under the Administrative Review Law.

24 (i) In the case of a charter school proposed to be jointly
25 authorized by 2 or more school districts, the local school
26 boards may unanimously deny the charter school proposal with a

1 statement that the local school boards are not opposed to the
2 charter school, but that they yield to the State Board
3 ~~Commission~~ in light of the complexities of joint
4 administration.

5 (Source: P.A. 96-105, eff. 7-30-09; 96-734, eff. 8-25-09;
6 96-1000, eff. 7-2-10; 97-152, eff. 7-20-11.)

7 (105 ILCS 5/27A-9)

8 Sec. 27A-9. Term of charter; renewal.

9 (a) A charter may be granted for a period not less than 5
10 and not more than 10 school years. A charter may be renewed in
11 incremental periods not to exceed 5 school years.

12 (b) A charter school renewal proposal submitted to the
13 local school board or State Board ~~the Commission~~, as the
14 chartering entity, shall contain:

15 (1) A report on the progress of the charter school in
16 achieving the goals, objectives, pupil performance
17 standards, content standards, and other terms of the
18 initial approved charter proposal; and

19 (2) A financial statement that discloses the costs of
20 administration, instruction, and other spending categories
21 for the charter school that is understandable to the
22 general public and that will allow comparison of those
23 costs to other schools or other comparable organizations,
24 in a format required by the State Board.

25 (c) A charter may be revoked or not renewed if the local

1 school board or State Board ~~the Commission~~, as the chartering
2 entity, clearly demonstrates that the charter school did any of
3 the following, or otherwise failed to comply with the
4 requirements of this law:

5 (1) Committed a material violation of any of the
6 conditions, standards, or procedures set forth in the
7 charter.

8 (2) Failed to meet or make reasonable progress toward
9 achievement of the content standards or pupil performance
10 standards identified in the charter.

11 (3) Failed to meet generally accepted standards of
12 fiscal management.

13 (4) Violated any provision of law from which the
14 charter school was not exempted.

15 In the case of revocation, the local school board or State
16 Board ~~the Commission~~, as the chartering entity, shall notify
17 the charter school in writing of the reason why the charter is
18 subject to revocation. The charter school shall submit a
19 written plan to the local school board or State Board ~~the~~
20 ~~Commission~~, whichever is applicable, to rectify the problem.
21 The plan shall include a timeline for implementation, which
22 shall not exceed 2 years or the date of the charter's
23 expiration, whichever is earlier. If the local school board or
24 State Board ~~the Commission~~, as the chartering entity, finds
25 that the charter school has failed to implement the plan of
26 remediation and adhere to the timeline, then the chartering

1 entity shall revoke the charter. Except in situations of an
2 emergency where the health, safety, or education of the charter
3 school's students is at risk, the revocation shall take place
4 at the end of a school year. Nothing in this amendatory Act of
5 the 96th General Assembly shall be construed to prohibit an
6 implementation timetable that is less than 2 years in duration.

7 (d) (Blank).

8 (e) Notice of a local school board's decision to deny,
9 revoke or not to renew a charter shall be provided to the
10 ~~Commission and the~~ State Board. The State Board ~~Commission~~ may
11 reverse a local board's decision if the State Board ~~Commission~~
12 finds that the charter school or charter school proposal (i) is
13 in compliance with this Article, and (ii) is in the best
14 interests of the students it is designed to serve. The State
15 Board may condition the granting of an appeal on the acceptance
16 by the charter school of funding in an amount less than that
17 requested in the proposal submitted to the local school board.
18 Final decisions of the State Board ~~Commission~~ shall be subject
19 to judicial review under the Administrative Review Law.

20 (f) Notwithstanding other provisions of this Article, if
21 the State Board ~~Commission~~ on appeal reverses a local board's
22 decision or if a charter school is approved by referendum, the
23 State Board ~~Commission~~ shall act as the authorized chartering
24 entity for the charter school. The State Board ~~Commission~~ shall
25 approve and certify the charter and shall perform all functions
26 under this Article otherwise performed by the local school

1 board. ~~The State Board shall determine whether the charter~~
2 ~~proposal approved by the Commission is consistent with the~~
3 ~~provisions of this Article and, if the approved proposal~~
4 ~~complies, certify the proposal pursuant to this Article.~~ The
5 State Board shall report the aggregate number of charter school
6 pupils resident in a school district to that district and shall
7 notify the district of the amount of funding to be paid by the
8 State Board Commission to the charter school enrolling such
9 students. The State Board Commission shall require the charter
10 school to maintain accurate records of daily attendance that
11 shall be deemed sufficient to file claims under Section 18-8.05
12 notwithstanding any other requirements of that Section
13 regarding hours of instruction and teacher certification. The
14 State Board shall withhold from funds otherwise due the
15 district the funds authorized by this Article to be paid to the
16 charter school and shall pay such amounts to the charter
17 school.

18 (g) (Blank). ~~For charter schools authorized by the~~
19 ~~Commission, the Commission shall quarterly certify to the State~~
20 ~~Board the student enrollment for each of its charter schools.~~

21 (h) For charter schools authorized by the State Board
22 ~~Commission~~, the State Board shall pay directly to a charter
23 school any federal or State aid attributable to a student with
24 a disability attending the school.

25 (Source: P.A. 96-105, eff. 7-30-09; 97-152, eff. 7-20-11.)

1 (105 ILCS 5/27A-12)

2 Sec. 27A-12. Evaluation; report. On or before September 30
3 of every odd-numbered year, all local school boards with at
4 least one charter school, ~~as well as the Commission,~~ shall
5 submit to the State Board any information required by the State
6 Board pursuant to applicable rule. On or before the second
7 Wednesday in January of every even-numbered year, the State
8 Board shall issue a report to the General Assembly and the
9 Governor on its findings for the previous 2 school years. The
10 State Board's report shall summarize all of the following:

11 (1) The authorizer's strategic vision for chartering
12 and progress toward achieving that vision.

13 (2) The academic and financial performance of all
14 operating charter schools overseen by the authorizer,
15 according to the performance expectations for charter
16 schools set forth in this Article.

17 (3) The status of the authorizer's charter school
18 portfolio, identifying all charter schools in each of the
19 following categories: approved (but not yet open),
20 operating, renewed, transferred, revoked, not renewed,
21 voluntarily closed, or never opened.

22 (4) The authorizing functions provided by the
23 authorizer to the charter schools under its purview,
24 including the authorizer's operating costs and expenses
25 detailed in annual audited financial statements, which
26 must conform with generally accepted accounting

1 principles.

2 Further, in the report required by this Section, the State
3 Board (i) shall compare the performance of charter school
4 pupils with the performance of ethnically and economically
5 comparable groups of pupils in other public schools who are
6 enrolled in academically comparable courses, (ii) shall review
7 information regarding the regulations and policies from which
8 charter schools were released to determine if the exemptions
9 assisted or impeded the charter schools in meeting their stated
10 goals and objectives, and (iii) shall include suggested changes
11 in State law necessary to strengthen charter schools.

12 In addition, the State Board shall undertake and report on
13 periodic evaluations of charter schools that include
14 evaluations of student academic achievement, the extent to
15 which charter schools are accomplishing their missions and
16 goals, the sufficiency of funding for charter schools, and the
17 need for changes in the approval process for charter schools.

18 Based on the information that the State Board receives from
19 authorizers and the State Board's ongoing monitoring of both
20 charter schools and authorizers, the State Board has the power
21 to remove the power to authorize from any authorizer in this
22 State if the authorizer does not demonstrate a commitment to
23 high-quality authorization practices and, if necessary, revoke
24 the chronically low-performing charters authorized by the
25 authorizer at the time of the removal. The State Board shall
26 adopt rules as needed to carry out this power, including

1 provisions to determine the status of schools authorized by an
2 authorizer whose authorizing power is revoked.

3 (Source: P.A. 96-105, eff. 7-30-09; 97-152, eff. 7-20-11.)

4 Section 99. Effective date. This Act takes effect July 1,
5 2014.